

08-05-03  
EL 916211700USPATENT  
AF/1600

Docket No.: HMR2041 US NP1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of  
Kurt M. Kessler

Examiner: Celia C. Chang

Serial No.: 09/760,590

Art Unit: 1625

Filed: 01/16/01

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deposited with the United States Postal Service as  
Express Mail in an envelope addressed to  
Commissioner for Patents, P.O. Box 1450, Alexandria,  
VA 22313-1450, onTitle: Ethanol Solvate of (-)-cis-2-(2-  
chlorophenyl)-5,7-dihydroxy-8[4R-(3S-  
hydroxy-1-methyl)piperidinyl]-4H-1-  
benzopyran-4-one

May 2, 2003

Date of Deposit

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This is in response to the outstanding Final Office Action dated November 6, 2002, paper number 10, for which a response is due by February 6, 2003, in the above-identified patent application. A petition for 3-month extension of time is enclosed herewith to make this response timely. Applicants respectfully request entry of the following remarks and declaration of Gregory M. Shutske. Applicants request reconsideration and withdrawal of all outstanding rejections in light of the aforesaid remarks and declaration. A Notice of Appeal (with appropriate fee) is respectfully submitted concurrently herewith in the event the Examiner remains unpersuaded by this response.